

GAU 3634

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AUG 03 1999  
PATENT & TRADEMARK OFFICE

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 C.F.R. § 1.53(d))

CHECK BOX, if applicable:  
☐ DUPLICATE

Address to:  Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	MCEW-9801
	First Named Inventor	Jason T. Epps
	Examiner Name	Strimbu, G.
	Group / Art Unit	3634
	Express Mail Label No.	EL360180360 US

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. § 1.53(d), (continued prosecution application (CPA)) of prior application number 09 / 004.803 filed on Jan. 9, 1998, entitled Motor Operated Fast Food Service Window with Upwardly Focused Proximity Detectors

## NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. § 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 U.S.C. § 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. § 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. § 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. § 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. § 1.78(a).

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 C.F.R. § 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed. (Including four (4) 37 C.F.R. 1.132 Declarations)
- This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53 (d)(4)
  - ☐ DELETE the following inventor(s) named in the prior nonprovisional application:  
.....
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☒ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
  - ☒ PTO-1449
  - ☒ Copies of IDS Citations

08/05/1999 AIBRHHM 00000069 09004803  
01 FC-231

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c) or (i))	8	-20* =	0	x \$ _____ =	\$ 0.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b) or (i))	3	-3** =	0	x \$ _____ =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. § 1.16(d))				+ \$ _____ =	0.00
				BASIC FEE (37 C.F.R. § 1.16)	760.00
				Total of above Calculations =	760.00
Reduction by 50% for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27 & 1.28).					380.00
				TOTAL =	380.00

\* Reissue claims in excess of 20 and over original patent.  
\*\* Reissue independent claims over original patent.

6. Small entity status:

- a. ☐ A small entity statement is enclosed, if (b) and (c) do not apply.  
b. ☒ A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired.  
c. ☐ Is no longer claimed.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **20-1504 (MCES-0002-US)**

- a. ☐ Fees required under 37 C.F.R. § 1.16.  
b. ☐ Fees required under 37 C.F.R. § 1.17.  
c. ☐ Fees required under 37 C.F.R. § 1.18.

If the check is missing or for the improper amount, the Assistant Commissioner is authorized to charge, or credit, Deposit Account 20-1504 (MCES-0002-US).

8. ☒ A check in the amount of \$ **380.00** is enclosed.

9. ☒ New Attorney Docket Number, if desired **MCES-0002-US**

[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

10. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)  
b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)  
11. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

12. NEW CORRESPONDENCE ADDRESS

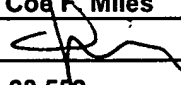
☐ Customer Number or Bar Code Label

☒ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Coe F. Miles				
	TROP, PRUNER, HU & MILES, P.C.				
Address	8554 Katy Freeway, Suite 100				
City	Houston	State	TX	Zip Code	77024
Country	U.S.A.	Telephone	713-468-8880	Fax	713-468-8883

13. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Coe F. Miles
Signature	
Registration No. (Attorney/Agent)	38,559
Date	8-3-1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title : Motor Operated Fast Food Service Window with Upwardly Focused Proximity Detectors

----- CONTINUED PROSECUTION APPLICATION FILING -----

Inventors : Jason T. Epps, Dan L. Terry and Jackson G. Weaver

Serial No. : 09/004,803

§ Examiner : Strimbu, G.

Filed : Jan 9, 1998

§ Phone : 703-305-3979

Docket : MCES-0002-US

§ Art Unit : 3634



Assistant Commissioner for Patents  
Box CPA  
Washington, D.C. 20231

CERTIFICATE OF MAILING (37 C.F.R. 1.10)

The undersigned hereby certifies that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to the Assistant Commissioner for Patents, Box CPA, Washington, DC 20231, Express Mail label number **EL360180360US** on **August 3, 1999**.

*Corey McGowan*  
Corey M. McGowan

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99 AUG -6 PM 1:01

**PRELIMINARY AMENDMENT**

A check in the amount of \$ 380.00 for the above-identified Continued Prosecution Application and associated Information Disclosure Statement is attached. If the check is missing, for the wrong amount, or should any additional fees under 37 C.F.R. §§ 1.16 through 1.21 be required, the Assistant Commissioner is authorized to deduct said charges from, or credit any overpayment to, Deposit Account 20-1504 (MCES-0002-US).

Please enter the following amendments.

In the Figures:

Substitute the attached formal drawings for the originally filed (and amended) informal drawings.

In the Claims:

Delete claims 6 and 8 without prejudice. Amend claims 1, 4 and 9 in accordance with the following.